

REMARKS

As an initial matter, Applicants would like to thank the Examiner for approving the Drawings submitted November 19, 2003, acknowledging Applicants' claim for foreign priority and receipt of the foreign priority document, and considering all of the documents cited in the Information Disclosure Statement filed February 19, 2004.

Claims 1-19 are pending in the application. Claims 1 and 3-18 have been amended, and claim 19 has been newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

The present invention relates to an image pick-up unit. The image pick-up unit of the present invention includes an image pick-up device, and a plurality of optical filters which are cemented together to comprise a layered structure and positioned in front of the image pick-up device. At least one of the optical filters may have different optical properties and a different shape than at least one of the other optical filters (claim 1). The length and width of at least one of the optical filters may also be different from the length and width of another of the optical filters (claim 18). In addition, each optical filter may have corners chamfered by different amounts (claim 19).

In the Office Action of November 3, 2004, the Examiner rejected claims 3-10 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully submit that the present amendments to the claims overcome the rejection, and request withdrawal thereof.

In the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by Ito et al. (U.S. Patent No. 6,583,819). Applicants respectfully traverse the rejection for at least the following reasons.

Ito relates to a digital camera 1. The camera includes a lowpass filter 23, an infrared absorbing filter 24, and a CCD area sensor 25. See Figure 1 and col. 3, lines 16-22.

In the Office Action, the Examiner asserted, without clear explanation, that Ito describes a plurality of optical filters which are cemented together in layers and positioned in front of an image pick-up device, wherein at least two optical filters among the plurality of optical filters which have different optical properties, are different in shape from each other. Applicants respectfully disagree.

Ito's camera includes only one lowpass filter 23. Ito discloses, in col. 1, lines 30-32, that a lowpass filter is a single optical element consisting of a plurality of plates made of birefringent material. However, Ito does not disclose that each plate comprises an optical filter, and does not disclose that the optical properties of at least one of the plates is different from the optical properties of another one of the plates. Furthermore, Ito does not disclose that any of the plates have different shapes, lengths or widths. To the contrary, Figures 3 and 5B show that the plates each have the same shape, length and

width. Furthermore, the plates do not have chamfered corners.

Ito's camera also includes an infrared absorbing filter 24. However, the infrared absorbing filter 24 is clearly not cemented to the lowpass filter 23, as Ito discloses in col. 3, lines 30-34 that a driving mechanism 80 moves the lowpass filter 23 in a direction parallel to the infrared absorbing filter 24. The infrared absorbing filter 24 also does not have chamfered corners.

Thus, Applicants respectfully submit that Ito fails to disclose an image pick-up unit including a plurality of optical filters which are cemented together, where at least one of the optical filters has different optical properties and a different shape than at least one other of the optical filters, as recited in claim 1. For at least this reason, Applicants respectfully submit that the rejection of claim 1 is improper, and request withdrawal thereof.

Dependent claims 2-17 are also submitted to be in condition for allowance at least in view of their dependence on claim 1.

In the Office Action, the Examiner also rejected claims 3-18 under 35 U.S.C. §103(a) as being unpatentable over Ito et al. in view of Yamaguchi et al. (U.S. Patent Application Pub No. 2001/0017663). Applicants respectfully traverse the rejection for at least the following reasons.

Under 35 U.S.C. §103(c), subject matter that is prior art only under 35 U.S.C. §102(e), (f) or (g) is disqualified as prior art under 35 U.S.C. §103(a) if that subject

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matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

The present application, U.S. Patent Application No. 10/715,449, and U.S. Patent No. 6,583,819 to Ito et al. were, at the time the invention of U.S. Patent Application No. 10/715,449 was made, owned by Pentax Corporation.

Therefore, the Ito reference is disqualified as prior art under 35 U.S.C. §103(a). For at least this reason, Applicants submit that the rejection of claims 3-18 is improper, and request withdrawal of the rejection.

Newly added claim 19 recites an image pick-up unit which includes, *inter alia*, a plurality of optical filters positioned in front of an image pick-up device, where each optical filter includes a plurality of corners chamfered by different amounts. As noted above, Ito’s lowpass filter 23 and infrared absorbing filter 24 do not have chamfered corners. For at least this reason, Applicants submit that claim 19 is allowable as well.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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